

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HEATHER NICOLE DURHAM,

Plaintiff,

v.

CITY OF CHARLOTTE,

Defendant.

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No. 1:23-MC-42

ORDER

This matter is before the Court on Plaintiff's Motion to Compel Compliance with Subpoena or to Transfer Motions [Doc. #1] related to a subpoena issued to non-party CentralSquare Technologies, LLC. The subpoena was issued by Plaintiff in the underlying action, Durham v. City of Charlotte, No. 3:21-cv-00638-RJC-SCR (W.D.N.C. filed Nov. 30, 2021), pending in the United States District Court for the Western District of North Carolina. CentralSquare Technologies has responded with a Motion to Transfer and Cross-Motion to Quash Subpoena and for Entry of a Protective Order [Doc. #6]. Both Plaintiff and CentralSquare Technologies thus move, in part, for transfer to the Western District of North Carolina.

Under Federal Rule of Civil Procedure 45(f), "[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents." Both Plaintiff and the entity subject

to the subpoena, CentralSquare Technologies, consent to transfer in this matter, as noted above.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel Compliance with Subpoena or to Transfer Motion to the Western District of North Carolina [Doc. #1] and CentralSquare Technologies' Motion to Transfer and Cross-Motion to Quash Subpoena and for Entry of a Protective Order [Doc. #6] are GRANTED to the limited extent that this matter and all pending motions will be TRANSFERRED under Federal Rule of Civil Procedure 45(f) to the Western District of North Carolina in the underlying action, Durham v. City of Charlotte, No. 3:21-cv-00638-RJC-SCR, for consideration of Plaintiff's Motion to Compel Compliance with Subpoena and CentralSquare Technologies' Cross-Motion to Quash Subpoena and for Entry of a Protective Order

This, the 20th day of November, 2023.

/s/ Joi Elizabeth Peake
United States Magistrate Judge